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AUTHOR Van Ness, John R.
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ABSTRACT

A Spanish American village economy as influenced by changes in its land base, land rights, and the introduction of mercantile capitalism during the U.S. Territorial period in New Mexico was analyzed. Attention was given to differences in village land tenure and exploitative patterns from those imposed with the advent of Anglo American political control and the long-term conflict that resulted. This conflict was first approached in terms of the contrast between ideal legal systems and beliefs regarding land, landholding, and land use and actual cultural practices in both Spanish American and Anglo American societies; thus, the jural rules were seen as they were practiced in this particular environmental setting. The process of accommodation was explored through detailed analysis of the mediating roles played by Spanish American patrons, Anglo American merchants and attorneys, and the functioning of the most important territorial governmental institutions, which were the Surveyor General's Office and the civil courts of law. (Author)

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John R. Van Ness
Knox College

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Land Tenure, Economic Transformation, Conflict and Accommodation: An Ethnohistorical Study of a New Mexican Village and its Land

Abstract: The analysis of a Spanish-American village economy as influenced by changes in its land base, land rights, and the introduction of merchantile capitalism during the U. S. Territorial period in New Mexico is undertaken. Attention is given to differences in village land tenure and exploitative patterns from those imposed with the advent of Anglo--American political control and the long term conflict that resulted. This conflict is first approached in terms of the contrast between ideal legal systems and beliefs regarding land, landholding, and land use and actual cultural practices in both Spanish-American and Anglo-American societies, thus the jural rules are seen as they are practiced in this particular environmental setting. The process of accommodation is explored through detailed analysis of the mediating roles played by Spanish-American patrons, Anglo-American merchants and attorneys and the functioning of the most important territorial governmental institutions, which were the Surveyor General's Office and the civil courts of law.

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In this paper I shall undertake the task of exploring forms, functions, and processes of linkage constituting the interface between a northern New Mexican village, its economy, and the dominant Anglo-American economic and legal systems first instituted in 1846 with the advent of U. S. political control. The most useful strategy to adopt for exploring the sociocultural dynamics of Spanish-Anglo contact and accommodation is an ethnohistorical approach, focusing on the interpersonal and institutional relationships developed in the domain of economic behavior and, to some extent, stabilized during the Territorial Period (1846-1912), for in many respects the basic patterns established then are observable today. However, this is not to say that new relationships and institutional arrangements are absent. Clearly some practices have been discarded and new arrangements have taken their place.

The choice of the domain of economics, particularly land economics, as the point of focus in this study was in no way arbitrary. On the contrary the focus of developing linkages between the Spanish-American villagers and Anglo-Americans, and the new institutional arrangements they brought to New Mexico, revolve around the questions of rights in land and its resources. From the outset a basic conflict existed between the Anglo-American and the Spanish-Americans regarding the use that should be made of the frontier lands. The Anglo-American philosophy stressed the role of the individual and granted him the right to exploit the natural resources of the frontier for his own enrichment. The Spanish-Americans, on the other hand, had long accepted a frontier philosophy which subordinated the individual to the state. In theory, at least, the role of the Spanish-American pioneers was not to enrich themselves but to assist in creating a strong nation and a powerful church. One of the fundamental frontier institutions adopted by the Spanish Crown to achieve these goals was the royal land grant. In New Mexico these two philosophies locked horns in a very dramatic way (Beck 1962:101).

We see this in the battle over the community and private land grants and the role they were to play in the new Territorial economy. The forms of linkage developed between Spanish--American villages and Anglo-American institutions (and the integrative and/or boundary maintenance functions these linkages perform) are to be found primarily in this realm.

There are three important factors that conditioned the arrangements that were to be established in New Mexico. First, the Treaty of Guadalupe Hildalgo, which formally ended the Mexican War in 1848, committed the United States to respect the private and community property rights of the established Spanish--American and Indian population in the newly acquired Southwestern territory. These rights were to be confirmed and protected as are those of any United States citizen or group of citizens. Secondly, for the Spanish-American villagers, particularly in northern New Mexico, royal land grants provided the base for subsistence agriculture and small scale animal husbandry, so they were of crucial importance to the rural village lifeway. Thirdly, because of extremely limited amounts of arable land in New Mexico, the best agricultural lands along the many small water courses and the adjacent pasture lands had long been reduced to private and community ownership by the Spanish--Americans and Pueblo Indians.

By the 1870's Anglo-Americans bent upon making their fortune flooded New Mexico. Since the only real source of wealth in the territory for the commercial rancher or the mercantile capitalist was through the acquisition of land and/or its fruits (to be converted into capital by shipment to Eastern markets), inter-ethnic conflict was inevitable. Hitherto attempts to analyze this long and complex struggle between the economically and politically dominant Anglo-American system and the Spanish--American ethnic communities have afforded us useful but limited insights into the processes and evolving structures involved (vide Knowlton 1967, Leonard 1943, USDA 1937). It

is hoped that a rigorous, comparative analytical perspective will provide a more penetrating frame of analysis.

It is clear from the analysis of Euroamerican colonialism around the world that the contacts between societies with unequal levels of technological, economic, and political complexity brings about substantial change in the landholding and use practices of the simpler indigenous agrarian and/or pastoral societies if defensive measures are ineffective in boundary maintenance between the sociocultural systems(vide Biebuyck 1963, Bohannan 1964, Colson 1966, Fried 1952, Manners 1964, Martin 1968). And since landholding and use practices are a vital part of any simple rural society's organization, there are concomitant changes in its whole social fabric.

The phenomenon we are confronting here is that which was described by Sir Henry Maine long ago as the progression from status to contract (Bohannan 1963:110; 1964:134-148). In capitalistic societies, land in parcels called "sites" enters the market and is bought and sold with little concern for the social organization of the human populations that may be resident on the land. Here the contractual economic aspects of the land as a factor in production are predominant, the local community may be seen as an epiphenonenon of the market, subject to change as contractual arrangements change through sale. Thus, territorial groupings are the result of contract, and kinship principles as a factor in social organization are of little consequence. In simple agrarian and pastoral societies not dominated by capitalistic economies, the social and political aspects of land--land as a territorial dimension of society -- are most important. In these societies the spacial dimensions of social organization, as determined by rights in land, are constituted predominantly through kinship principles and local community membership. Here status is the most important consideration.

In the English language we speak of property rights in land as land tenure. In common usage, land tenure usually refers to

a complex set of varied rights to land and its resources. As a set of cultural rules within which is embodied the society's shared understandings regarding rights to occupy and utilize a given land area and its various life-sustaining resources, the land tenure system may be first seen to greatly influence demographic patterns. The exploitive systems of a society are only partly determined by the equation of environment over technology. We need to consider the organization of human resources and their relationship to the means of production. Of course in non-industrial societies the basic factor in production is ultimately land (Fried 1952:392). In simple rural societies how people work the land is part of the general system of social relations. Together kinship, residence rules, and land tenure determine the kinds of people who live together and work the land together (Biebuyck 1964:104). In sum, the distribution of the population of the land, the size and kinds of social aggregations that occur, and the way in which they function may be best understood culturally through reference to the society's system of land tenure.

In such societies the domestic unit is the basic element of social organization for most life-sustaining activities. Rights to fields and pasturage then can be seen to influence greatly the nature of the organization of domestic labor for food production, as well as distribution, and consumption patterns (vide Colson 1963, Leach 1961, and Pitkin 1959). Certainly the dynamics of the domestic group through time, what Goody (1958) has termed "the developmental cycle," must be viewed through the institution of land tenure. The growth and fission of the domestic group is greatly influenced by land tenure practices, particularly the practices regarding the transfer of rights to land from elders to their offspring, whether through in vivo allotments, gifts, purchase, or through inheritence (see Martin 1968 and Solien 1959 for discussions of the distribution of power in households, household structure, landholding, and the transfer of land from generation to generation).

In determining the nature and ultimate result of culture contact, the factors of geography, ecology, and social organization, in tandem, are of vital importance. Geography plays a significant role in setting the place and time of contact. Cultural ecology, the interaction of man with his environment through the medium of technology, plays a direct role in determining the broad nature of sociocultural interrelationships which develop. "Finally, the forms of social organization, especially as they are expressed in systems of land tenure, are invariably decisive" (Fried 1952:410). The critical factors here are the nature and dimensions of contrast between the ways in which exploitive rights to land and its resources are distributed in the two societies and the ends to which exploitation is directed, for the focus of conflict almost always lies in this area (Fried 1952:410).

For the Hispanic village population of northern New Mexico, we should then consider, in turn, the factors of geography, ecology, and social organization for productive purposes. The uplands region encompassed an area within a radius of approximately 50 miles of Santa Fe, where a distinctive form of New World Hispanic society and culture developed through long contact with and partial assimilation of the Rio Grande Pueblo Indians. First settled in 1598, the region has been continuously occupied by a Spanish-American population since 1692.

The topography of the area is one of high relief, being formed by the upraised land mass of the southernmost Rocky Mountains. The area ranges from slightly below 6,000 to almost 13,000 feet in elevation. This region is relatively verdant and well watered compared to the semi-desert characteristic of the rest of the American Southwest. The most important parts of the area for human populations are the canyons and steep valleys which are traversed by rapid flowing mountain streams. In such an environment the logic of topography and hydrology strongly influence the nature of human adaptions to the area.

Generally only the small canyons and valleys are suitable for permanent settlements and cultivation (Van Dresser 1964).

During the Spanish and Mexican periods small communities which subsisted by combining the practice of irrigation agriculture and animal husbandry were established in virtually all of these valleys through the institution of private and communal land grants initiated by the Spanish Crown and continued in modified form by the Mexican government after 1821. In the uplands over 60 of these small watersheds can be identified, and we find today that each contains, or contained at one time, at least one node of settlement (Van Dresser 1964:65).

This paper is based upon the study of one such small community, named Canones, which was formally founded in 1807 through the acquisition of a small Spanish land grant and the unofficial use of two adjacent private grants. Portions of these large private grants, which were made at an earlier time for grazing purposes and never extensively exploited, came to be considered and used as village land because they formed a natural part of the small watershed. Located in Rio Arriba county, 45 miles northwest of Santa Fe, this area is drained by two streams (Canones Creek and Polvadera Creek) which merge at the village of Canones and flow on six miles to empty into the Chama River. The elevation ranges from 6,500 to 9,600 feet, the village of Canones being situated at 6,600 feet. In all, the three grants (the Juan Bautista Valdez, the Polvadera, and the Piedra Lumbre) as surveyed by the U. S. Surveyor General's staff in the 1890's contained, in round figures, 80,000 acres. The village, with a population that has ranged between 100 and 200 over the years since its founding, has made use of approximately 20,000 acres of this area. Five hundred acres of the land are suitable for irrigation agriculture and the remainder has served principally as winter and summer pasturage for the villager's sheep, cattle, and horses.

Other particularistic geographical factors played a major

part in the development of relationships between the Anglo--American economic institutions and their emissaries in the Canones region and the numerous other land grant villages of the New Mexican uplands. In general, the proximity of a given village to the main Anglo-American-dominated commercial centers, such as Santa Fe and Las Vegas, and their developing transportation routes is an important variable. No uniform area wide relationships developed, contrary to the homogenized versions of "the" land grant village history that have frequently been offered.

In this regard, the Canones region was and has remained one of substantial insularity. It is relatively far from a major commercial center, and the railroad which was to follow the Chama Valley, connecting the towns of Espanola and Chama to the north, was never completed. It should also be noted that this small watershed does not possess as ample a supply of grazing land in its vicinity as do other regions, and therefore was not as attractive an area in which to develop large scale commercial ranching. These two geographical factors strongly temper the form of the relationship that Canones developed with Anglo--American institutions. I shall return to consider them further in a moment.

The traditional village ecology was quite similar to the pattern found throughout the New Mexican uplands. Two basic classes of land -- irrigable valley bottomlands and mountain and mesa top pasture lands -- were utilized through a mixed agricultural and pastoral economy to provide a subsistence level livelihood (vide Gonzalez 1967, Harper, Cordova and Oberg 1943, Knowlton 1967, Leonard 1943, Leonard and Loomis 1951, Mosk 1942, Oberg 1940, Swadesh 1966). Evidence gleaned from testimony taken from aged witnesses by the Surveyor General in 1871 and 1879, pursuing the confirmation of the Juan Bautista Valdez Grant (NMLG, reel 50, case #179, frames 41-3), indicates that this pattern was established by the year 1807. It was to persist, with minor modifications, until after the Second World War, despite a sequence of events which resulted in legally alienating much of the village's land base.

Village social organization for economic purposes was also basically congruent with the general patterns described in the ethnographic literature. According to Swadesh (1965), small settlements, designated as plazas, were known by the lineage surname and consisted of a series of kindred families.

> They settled on adjacent allotments and adjusted both labor and residence to the requirements of best use of limited manpower and the need for mutual protection. The sheep herds were managed jointly by men and boys, while women, old people and children pooled their efforts to harvest a little better than a subsistence crop from the cleared lands, along with the many chores of maintaining the home (Swadesh 1965:211).

The basic unit of production and consumption was an extended family, which included various arrangements of parents, their immature offspring, and combinations of their married sons and daughters with their families. The arrangement found in any given instance, at a given time, was dependent upon the developmental cycle of the domestic group (vide Weaver 1965).

Although the grants which provided for the establishment of these settlements were more often than not made in the name of a single prestigious individual, the terms specified in many of the grant documents show that they were actually made for the benefit of the entire group of settlers (Swadesh 1965:210). The domestic units then were given individual rights to a house lot and agricultural plots and shared with the other members of the community joint rights to the pasture land. That is to say, rights to hold and use land involved two basic different kinds of tenure arrangements, individual ownership of house and agricultural plots, and usufruct rights to communally held pasture land. These rights were derived from kinship relations and residence within a given community, social status being the important criterion here. Agricultural plots were also, in an informal fashion(usually without any written deed or contract), bought and sold by individuals within the regional kin network.

Canones was formally founded by a grant made in 1807 to Juan Bautista Valdez (a citizen of Abiquiu, which lies eight miles to the east) along with seven or nine companions (the grant document makes conflicting statements on this point and fails to name these companions so the actual number is impossible to ascertain). Valdez, the head of a large family, states in the grant request that with the permission of the alcalde of Abiquiu some 2,000 varas (1 vara = 32.99 inches) of land for farming had already been cleared in this previously uninhabited place, and thus no injury to another party's agricultural lands, woods, or pastures would occur. The grant boundaries, recited by the alcalde Manual Garcia during the ceremony putting them in possession of the land, extended to the boundaries of the Piedra Lumbre grant and the Polvadera grant, on the north and east respectively, the head of the Canones Creek on the south, and the white mesa to the west (NMLG, reel 23, case 113, frames 1-3).

The settlement at Canones has apparently been continuous since this time, broken only by brief interludes when the residents were temporarily forced to flee to Abiquiu or to other settlements further down the Chama valley because of Navaho hositilities. Francisco Archuleta (Born: 1801, Abiquiu; Occupation : Blacksmith) testified before the Surveyor General in 1879 that he had known the plaza of Canones since 1810 or 1812, having made the trip to the Valdez moline (mill) on horseback from Abiquiu for his father on frequent occasions as a young boy. As a resident of Canones, where he had lived with his son Luciano Archuleta since 1869, he was able to testify regarding the landholding at Canones in approximately 1820. Starting at the head of the canyon he named in order the landholders and the number of varas held by each along the stream. His list consisted of 22 different landholders whose holding ranged from 20 to 1500 varas. He also testified that livestock were pastured by the Canoneros in the mountains on lands embraced by the grant (NMLG, reel 50, case #179, frames 41-3).

The continuity of community landholding from this time until the last decades of the 19th century is easily established. Testimony corroborated by numerous witnesses before the Surveyor General and later the Court of Private Land Claims shows that the grant lands were passed on to the four children of Juan Bautista Valdez and the descendents of his companions, with whom he settled the grant, and in turn, they passed these lands to their children. The petitioners for confirmation of the grant in 1878 were: Antonio Valdez, Mariano Valdez, Luis Valdez, Ramon Garcia, and Policarpio Garcia. The three Valdezes were grandsons of Juan Bautista and the two Garcias were great grandsons, related through his daughter Antonia Rosa Valdez (NMLG, reel 23, case 113, frame 6). This demonstates that the Valdezes were still the most prominent kin group in Canones.

In the 1880's and 1890's conditions began to change for the Canoneros as a result of efforts on the part of the heirs of all three grants to have the grants approved by the Surveyor General and then confirmed by the U.S. Congress as required by law. These efforts were advised and assisted by numerous land attorneys whose aid they sought, or more often, had offered to them for a pre-arranged fee. This brought on the confrontation with Anglo-American land tenure laws and practices as interpreted by the attorneys and the courts with whom they dealt. The Surveyor General and the Court of Private Land Claims after 1891, were charged with the task of comprehending the accumulation of nearly four hundred years of Spanish Colonial land laws as they applied to the New Mexican grant lands, and then equitably effecting the translation or conversion of this system into a form that would be compatible with the contemporary Anglo-American system. The outcome of such a monumental endeavor was doomed to failure, even when the task was undertaken with the best honest intentions, which was not always the case. The complexity of the problems encountered is so great that they can only be briefly sketched here (vide Espinosa 1962, Keleher 1929, Jenkins 1961, Lamar 1962, Paulus 1933, White, et.al. 1971).

Anglo court officials and attorneys failed to appreciate the differences between Spanish land grant laws and the manner in which they were applied. These differences resulted from formal and informal adaptive modifications of the ideal system to achieve a workable system in this environmental and historical setting. These differences were often judged illegal by the Courts. This was due at least in part to ethnocentric assumptions about the nature of land and land tenure that made the Anglo judges and attorneys blind to many aspects of the landholding and use system as it was practiced. These assumptions also lead to a failure to fully and correctly perceive the dimensions and magnitude of the differences between the Anglo-American and Spanish-American systems. The underlying assumptions made in the modern Anglo-American conception of land and land tenure are the result of their commercial meanings. Land is not simply a factor in production, but it can also enter the general market as a commodity to be impersonally bought and sold. Through the technical processes of surveying and cartography land can be divided into precisely defined parcels, a necessary operation for these plots to enter the market where sales can be contracted. Thus contractual economic considerations take precedence in determining rights in land and consequently the distribution of populations on the land (vide Bohannan 1963). To give an example of one important court decision affecting Spanish--American land tenure, which is easily understood given the preceding assumptions, we might mention the acceptance of the principle of partible inheritance of common grant lands (grazing lands and woods).

Adopting this perspective we can immediately appreciate the consequences of the attempts to have the grants at Canones confirmed. These attempts generated interest in the three grants on the part of the attorneys (a total of 14 over the years) retained by the grant heirs, several prominent Hispano ranchers and businessmen (some of whom claimed to be grant heirs), and the owners of the merchantile store at Abiquiu. Their interest

was attracted by the potential commercial market value of the grants. This is particularly true of the two large grants, the Polvadera and the Piedra Lumbre. After reading the voluminous private correspondence of these individuals one can say that they had one major objective in their land grant dealings: they sought rights to at least a part of the grants so they could sell them, realizing a substantial profit. Rights to the grants were pursued and acquired in several ways: through payment for legal services, as payments for debts of various types incurred by heirs, and through purchases at sheriff's sales resulting from tax delinquency. One fundamental fact underlies and characterizes the form of these economic relationships: the subsistence economies now somewhat supplemented by wage labor of the villagers did not generate the cash funds necessary to operate on equal terms with these capitalistic entrepreneurs. Necessity demanded that they participate in the Anglo-American economic system, and to do so, they were often required to sell or mortgage their land. That is to say, the linkage between the villagers and the representatives of the Anglo-American economic enterprises was a very asymmetrical one, and therefore quite detrimental to the Spanish-Americans and their village-based lifeway.

Confirmation of the grants required that they be precisely surveyed in keeping with the Anglo-American land tenure practices. To sell the grants on the national market this was imperative. Difficulties in completing grant surveys were attributed to vague and ill defined boundaries, but they were only vague and ill defined from the Anglo-American ethnocentric point of view. If one adopts the principle that the most important aspect of landholding is the distribution of social groups on the land so that each possesses the necessary space and resources to obtain a livelihood, then the definition of boundaries as they were makes very good sense. The boundaries of the Juan Bautista Valdez grant were defined roughly by natural features on the

west and south and with reference to the Piedra Lumbre and Polvadera grant boundaries on the north and east, so that a natural small watershed unit for subsistence purposes was defined. This included the requisite agricultural land, woodlands, and pastures. However, taking the boundaries as described in the grant documents as literally as possible, the surveyors cut the Canones watershed area into three pieces. As commercial interests would have it, the smallest grant unit turned out to be the Juan Bautista Valdez where the bulk of the Canoneros' interests lay. This grant was confined to 1468 acres of the 20,000 acres claimed. Thus, the villagers found themselves in an untenable position if they abided by the court decisions.

The very large Polvadera and Piedra Lumbre grants had gradually come into the hands of various attorneys and commercial business interests. (For instance, an attempt at commercial ranching by an Anglo from Buffalo, New York, began in 1886 and had, for all practical purposes, failed by 1892). Court battles ran on as late as 1919 over the partition of these large grants. However, success on the part of these individuals in acquiring rights to the grant didn't necessarily lead to great profits. In a long letter written by L. Bradford Prince, an attorney, to a grant heir in 1919, he laments that after 20 long years of hard labor on the Polvadera grant litigation he only realized $3000.00 for his services.

Throughout this period the Canoneros continued to make informal use of the land they needed. The structural relationship achieved between the village and the larger economic and political institutions is a dual one. Although formally denied rights to much of the land they formerly held, informally they have been permitted to retain usufruct rights. Officials have been willing to look the other way, for the most part, because the anticipated commercial value of the grants was slow to come to fruition.

This dual system, with the Canoneros operating informally as a semi-autonomous ethnic enclave, has persisted to the

present time. Contemporary relations with the Forest Service (which now controls the land on three sides of the Valdez grant) have been observed to be carried on in the same fashion. Thus the village through a strong determination to maintain itself was able to develop an informal boundary maintenance mechanism by simply ignoring the dictates of the courts and outlasting the efforts of the commercial interests in the grants. The traditional character of the village today, relative to many other New Mexican villages, is thereby explained.

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